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#22

**ANTHONY
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Commissioner of Patents
Washington DC 20231

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22 April 2003

APR 29 2003

Dear Sir,

TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER
FURTHER SUBMISSIONS RE REINSTATEMENT
OF PATENT APPLICATION

Ser No 09/241,744

Applicant: Einarson +
Petitions dept, Attn: John Chapman
Our File Ref: 406-01US

1. This patent application stands abandoned. A Petition was filed 23 December 2002 requesting reinstatement. The Petition was filed at a time when some of the details of the case were not available (due to the PTO file being mislaid). We ask that the matter now be reviewed, and that the patent application be restored.

2. Assignment/Ownership

This patent application now stands in the name of Murray D. Einarson as assignee and sole owner of the patent rights. A PTO/SB/96 to that effect is attached. Recorded on reel/frames 9770/0826-0833 is an assignment from the three co-inventors to Precision Sampling, Inc. A document of assignment from Precision Sampling, Inc. to Murray D. Einarson, dated 17 March 2003, was recently submitted to the PTO for registration, but has not yet been given a reel/frame number. A copy of that assignment document is attached.

Thus, all rights in the patent application have been assigned to, and now lie with, Murray D. Einarson (being the same Murray D. Einarson who is named as one of the three co-inventors).

3. Appointment of Agent

An appointment of agent document, signed 13 March 2003 by Murray D. Einarson, appoints Anthony Asquith (regn.32373) as agent. This document has been submitted to the PTO. A copy of the document is attached.

4. Number of Claims was OK

Paper 15, issued 21 September 2001, was a requirement for additional claims fee. However, the number of claims was not excessive, so the requirement should not have been made.

The PTO Indicated, in its Action dated 12 June 2001, that it had cancelled claims 7-15, 21-25 from the application. That left only claims 1-6, 16-20, which is a total of eleven claims, of which two are independent. Thus, applicant's addition of new claim 26, on 12 September 2001, should not have attracted any additional claims fees. So, we request that the Petitions Officer declare that the requirement to pay the additional claims fee was a mistake by the PTO.

If the Petitions Office should find the Paper 15 requirement to be in order, and not a PTO mistake, we request that we be furnished with a reasoned explanation specifically on this aspect.

5. Good Standing

Given that the applicant should never have been required to pay the additional claims fee, we ask that the Abandoned status be withdrawn. The status of this patent application should be that it is in good standing and is awaiting further action by the PTO examiner.

6. Request for Refund of Fees Paid

Arising from the above, we request a refund of fees paid, as follows.

6.1 The extra claims fee, \$9, was paid by mistake. The PTO should never have required that it be paid. So, we request a refund of the \$9.

6.2.1 The applicant also paid a 2-month extension fee (\$200). It is true that the PTO did not force the applicant to seek a 2-month extension, but the extension fee would not have arisen but for the PTO mistake that led to the requirement for an extra claims fee. So, we request a refund of the \$200.

6.2.2 It may be that the requested 2-month extension, though paid for, was not in fact legally obtainable. That being so, the 2-month extension fee was paid by mistake, and, for that reason, again, the \$200 should be refunded.

6.3 We also request a refund of the Petition fee. A mistake by the PTO led to this situation: we should not have to pay to petition the PTO to rectify PTO mistakes.

6.4 If the Petitions Officer should agree with us that Paper 15 should never have been issued, but refuses to authorise the above refunds, we request that we be furnished with a reasoned explanation specifically on this aspect.

7. Mistake in the Notice of Abandonment

We note that the Notice of Abandonment, Paper 16, alleges the applicant failed to reply to an Office Letter dated 20 September 2001. However, the PTO did not issue an Office Letter on 20 September 2001.

We might surmise that the PTO made a simple mistake, i.e the PTO, in the Notice of Abandonment, referred to its letter of 9/21 as its letter of 9/20. However, we feel that a mistake over a date on a Notice of Abandonment is enough, per se, to require that the Notice be vacated. In a Notice of Abandonment, of all things, it should not be left to the applicant to speculate as to what the PTO might have intended.

We ask that the Notice of Abandonment be vacated, simply because the Notice contains a material mistake.

Submitted by:



Anthony Asquith
Regn 32373
Agent for the Applicant

Enclo:

- PTO/SB/96
- Assignment
- Appt of Agent

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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SPECIAL PROGRAM CENTER

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: MURRAY D. EINARSON ET AL
 Application No./Patent No.: 09/241,744 Filed/Issue Date: 01 FEB 1999
 Entitled: MULTI-LEVEL MONITORING WELL
MURRAY D. EINARSON a PRIVATE INDIVIDUAL
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
 2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: THE THREE INVENTORS To: PRECISION SAMPLING, INC.
 The document was recorded in the United States Patent and Trademark Office at
 Reel 9770, Frame 0826-0833, or for which a copy thereof is attached.
 2. From: PRECISION SAMPLING INC. To: MURRAY D. EINARSON
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
 3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
 [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

17 APRIL 2003
 Date

ANTHONY ASQUITH REG# 32373
 Typed or printed name

X. _____
 Signature

AUTHORIZED PATENT AGENT
 Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

USA

Attorney's Ref: 406-01US

ASSIGNMENT OF ALL INTEREST IN AN INVENTION BEFORE THE ISSUE OF A PATENT

With respect to the invention, entitled:

MULTI-LEVEL MONITORING WELL

as described in United States Patent application serial number: 09/241,744, filed 01 February 1999

We, PRECISION SAMPLING INC.

formerly located at:

47 Louise Street, San Rafael, California 94901 USA

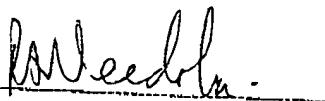
now located at:

1400 South 50th Street, Richmond, California 94804 USA

being or having been the holder of assignable rights relating to the said invention, and knowing of no legal or other impediment or bar to the assignment of said rights, for a paid consideration worth at least one dollar to us, have assigned, and do hereby assign, all assignable rights in the said invention and in any and every patent application and patent arising therefrom in United States, unconditionally, and leaving no assignable rights unassigned, to:-

Murray D. EINARSON who resides at: 2271 Old Middlefield Way, Mountain View, California 94043 USA

Signature: _____



Signor: Richard Needoba

Capacity of signor: president

Date: _____

March 17 2003**RECEIVED****APR 29 2003****TECHNOLOGY CENTER 2800
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In the U S Patent and Trademark Office

US Patent Application Serial No: 09/241,744

Date of Filing: 01 February 1999

Title: MULTI-LEVEL MONITORING WELL

Inventors: EINARSON, Murray D. et al.

Assignee of All Interest: EINARSON, Murray D.

Our File Ref: 406-01US

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APPOINTMENT OF AGENT

I, Murray D. EINARSON

of 2271 Old Middlefield Way, Mountain View, California 94043 USA
being the Assignee of All Interest in the above-identified Patent Application,
hereby revoke any and all previous appointments, and appoint:

Anthony ASQUITH
of 173 Westvale Drive,
Waterloo, Ontario
N2T 1B7 Canada
Reg Number 32373

as our Patent Agent, to represent us before the United States Patent & Trademark
Office, to prosecute the application, and to transact all business in the Patent &
Trademark Office connected therewith.

Signed: _____

Murray D. Einarson, inventor and assignee

Date of Signing: 3/13/03

Place of Signing: Mountain View, CA

**ANTHONY
ASQUITH****Patent Attorney**

Anthony Asquith BSc
Registered Patent Agent
(Canada and USA)
Chartered Patent Attorney (UK)
European Patent Attorney

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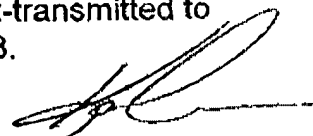
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Certificate: I hereby certify that this paper is being fax-transmitted to the Patent and Trademark Office today, 29 April 2003.

signed



Karen Owen

=====
Petitions department: Attention of: John Chapman
Phone: 305 4920
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No of pages including this page: 6
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Serial No: 09/241,744
Applicant: Einarson et al.
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Our Ref: 406-01US

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Please find the attached.